IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Crl.MC.No. 3361 of 2007()

CC.704/2002 of J.F.C.M COURT, KOTHAMANGALAM

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PETITIONER: ACCUSED 1,3,4 & 5

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1. MOHANAN,S/O.NARAYANAN,CHANJAPLACKAL (H)
   VELLARUMKUTHU BHAGAM, POYYAMKUTTY KARA
   KUTTAMPUZHA VILLAGE.

2. SANTHOSH,S/O.NARAYANAN,PULIYANICKAL (H)
   VELLARUMKUTHU BHAGAM, POYYAMKUTTY KARA
   KUTTAMPUZHA VILLAGE.

3. BIJU,S/O.SREEDHARAN,CHALAPPURATHU HOUSE
   VELLARUMKUTHU BHAGAM, POYYAMKUTTY KARA
   KUTTAMPUZHA VILLAGE.

4. SHIJU,S/O.SREEDHARAN,CHALAPPURATHU HOUSE
   VELLARUMKUTHU BHAGAM, POYYAMKUTTY KARA
   KUTTAMPUZHA VILLAGE.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI.K.JITHIN
SMT.SREEDEVI KYLASANATH

RESPONDENTS:

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.KAMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3361 of 2007

Dated this the 6th day of November 2007

O R D E R

The petitioners are accused 1,3,4 and 5 in a prosecution for offences punishable inter alia under Section 332 read with 149 I.P.C. The trial is complete. The case was posted for judgment to 27/9/2007. On that day, the petitioners were not present. The learned Magistrate proceeded to pronounce the judgment. The second accused was found not guilty and acquitted. The petitioners were found guilty for the offences under Sections 143, 147 and 332 read with 34 I.P.C. The petitioners were not represented and there was no application for exemption. Warrants of arrest were hence issued against the petitioners. The case now stands posted for appearance of the petitioners. Warrants of arrest issued by the learned Magistrate against the petitioners are chasing them. The petitioners have in these circumstances come to this court with the prayer that the warrants of arrest issued against the petitioners may be recalled.

2. It is for the petitioners to appear before the learned Magistrate and receive the judgment in the case. I find no

reason whatsoever to issue any special or specific directions in the matter now. The petitioners can appear before the learned Magistrate and seek regular bail. If they are sentenced and if it be necessary, they can apply for suspension of sentence. Appropriate orders must be passed by the learned Magistrate on such applications. The learned Magistrate must first proceed to consider the application for bail and then, immediately thereafter proceed to pronounce final judgment.

3. This petition is in these circumstances dismissed with the above observations.

4. Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007